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May 13, 2004

**VIA COURIER**

W. Kenneth Ferree  
Chief, Media Bureau  
Federal Communications Commission  
445 Twelfth Street, SW, Room 2-A666  
Washington, DC 20554

Re: Canadian DTV Roadblocks  
Second Periodic Review of the Conversion To Digital Television  
MB Docket No. 03-15

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Dear Mr. Ferree:

On behalf of Paxson Communications Corporation ("PCC"), we are writing to you in support of Vermont ETV, Inc.'s and Mt. Mansfield Television, Inc.'s March 5, 2004 *ex parte* request that the Commission resolve the many Canadian coordination issues prior to implementing any "freeze" on DTV applications or channel changes for television stations in the border region. Likewise, PCC supports MSTV's request, as reflected in its May 6, 2004 Channel Election Proposal, that the Commission promptly intensify efforts to resolve outstanding cases of Canadian coordination.

Despite having filed applications five years ago, three PCC stations – WVPX(TV) (Akron, Ohio), WPXD(TV) (Ann Arbor, Michigan), and WPXJ-TV (Batavia, New York) – have yet to receive DTV construction permits due to Canadian objections. PCC has had little success in obtaining approval of replicating DTV facilities for these three stations despite many years of efforts:

- **Akron, Ohio.** PCC filed the WVPX-DT construction permit application on January 28, 1999, and subsequently amended the application on November 7, 2001 in response to Canadian objections that the proposed facilities allegedly did not protect CICO-TV (Chatham, Ontario) and a DTV channel 59 allotment in Kitchener, Ontario. This amendment remains pending. Frustrated by its inability to provide digital service to existing viewers, PCC has sought authority to "flash-cut" to digital and surrender the station's out-of-core allotment.
- **Ann Arbor, Michigan.** PCC filed the WPXD-DT construction permit application on August 12, 1999. In response to Canadian objections that the proposed WPXD-DT facilities allegedly failed to protect a co-channel DTV allotment at Chatham, Ontario, PCC submitted a responsive amendment on

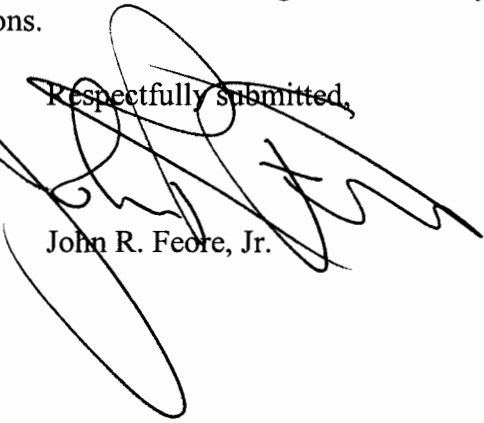
July 13, 2001, which also remains pending. PCC soon may to file a request for flash-cut authority for WPXD-DT.

- **Batavia, New York.** PCC filed the WPXJ-DT construction permit application on March 26, 1999. After learning of Canadian objections that the proposed DTV facilities allegedly impacted co-channel stations CICO-TV (Belleville, Ontario) and CITY-DT (Toronto, Ontario) impermissibly, PCC asked that the Commission provide WPXJ-DT with an alternate allotment, but the Commission has, to date, rejected that request.

In sum, these three DTV applications have been on file for essentially five years with no FCC action. This is absolutely unacceptable and, to the extent these delays are because of Canadian coordination, the process is not working.

PCC urges the Commission to proceed immediately with efforts to resolve Canadian objections to these construction permit applications and the many other DTV application that are similarly situated. The unreasonable lack of transparency and equally unreasonable amount of delay in the Canadian review process make it practically impossible for individual stations to resolve Canadian concerns on their own. Only the Commission is positioned to address these issues, and if the agency cannot do so over the next few months, it should grant requests for "flash-cut" authority such as PCC's. In addition, to provide the flexibility necessary to overcome these impediments, the Commission should not subject applications of border region stations to any freeze. The Canadian roadblocks to the DTV transition have been allowed to stand for too long. The Commission should ensure that viewers in the border regions can finally receive digital programming from *all* broadcast stations.

Respectfully submitted,

  
John R. Feore, Jr.

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